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EXAMINER
CHOW, CHIH CHING

ART UNIT	PAPER NUMBER
2191	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/764,352	MASUDA ET AL.
	Examiner	Art Unit	
	Chih-Ching Chow	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *4/16/01*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to amendment dated August 28, 2006.

2.   Per Applicants' request, claims 1-4, 9-14 have been amended, claim 15 is new.

3.   Claims 1-15 remain pending.

4.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

09/02/2005 has been entered.

Response to Amendment

5.   Applicants' amendment for claims 1-4, 9-14, and claim 15 have been fully

considered respectfully by the examiner but they are not persuasive. The amended claims

have brought up 35 USC § 112 (2) issues and they are hard to interpret. The examiner has

reviewed the updated amendments, and noted that new matter has been introduced into

the disclosure, therefore a new prior art has to be introduced. See 35 USC § 103

rejections (claims include the amendments) herein below, for the Applicants'

convenience they are listed as following, with the amendments requested by the

Applicants.

Response to Arguments

6.   Applicants' arguments for Claims 1-3, 8, 11-14 have been fully considered

respectfully by the examiner but they are not persuasive.

7.   Applicants' arguments are basically in the following points:

- "The Examiner indicates that a feature point may be fonts or a thesaurus that was

  not included in a word processor application program. However, Donohue is

limited to supplemental software codes that are comprehensively distributed to fix problems in the original word processor application program (see, col. 10, lines 16-20). For example, Donohue does not teach or suggest determining a version of the word processor used to create a document with a particular font of text in the document" (See REMARKS dated 8/28/06, pp. 7-8).

Examiner's Response: The Examiner has not indicated that a feature point maybe 'fonts or a thesaurus' in the previous office action; in fact, the Examiner recites "the feature point is a broad concept, it should be limited to 'reserve words of macro instructions (see Abstract of the current application)' (see Office action dated 06/01/2006, page 4), is the 'reserve words' defined as the 'macro instructions'? Is the 'syntax pattern' defined somewhere? Otherwise how can they be compiled? – the argument and the example given in the REMARKS dated 8/28/06 does not address the 112 (2) problem as indicated in the previous Office action, the Examiner can't see how does the example connect to the invention.

- "The Examiner states that it is well known for people in the art that when installing a new computer file into a computer, if insufficient space, the computer will put out a warning for the user and the user will have to eliminate the existing file in order to resource more space. However, claim 8 is directed to determination of whether a version of a program is installed to access a file and automatically 'eliminating an existing file if insufficient space exists.' Applicants thus respectfully submit that the recitation in claim 8 is not well known and is distinct from what the Examiner indicates as being well known. Thus, the Applicants respectfully traverse the Examiner's statement and request the Examiner to produce authority for the statement." (See REMARKS dated 8/28/06, page 9).

Examiner's Response: In response to applicant's argument, the claim 8 has eliminated an important step, which is when insufficient space occurs, to determine if an

existing file **that is no longer needed** after the new application program is installed

(or provide a warning when an existing file is about to eliminated). That also means

the claim 8 has a potential 101 issue if it just deletes any existing file.

- All the rest of the argument about Donohue and Davis based on 'feature points' (See REMARKS dated 8/28/06, pp. 9-10).

Examiner's Response: The 'feature point' is still not clear to the Examiner based on

the 8/28/06 amendment, therefore the Examiner is maintaining all the previous 35

USC § 112 rejections (see Office action dated 6/01/2006), and more USC § 112

rejections are presented for the amended claims.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   Claims 1-3, and 8 are rejected under 35 U.S.C. 112, second paragraph, for

indefinite antecedent basis for this limitation in the claim. Claim 1 recites "An installation

method of an application program, comprising: extracting a feature point in a data file

after having analyzed the data file based on a stored feature point, the feature point being

a content within the data file and set by an application program used to create the data

file; selecting a version of the application program useable to access the data file based

on a comparison of the extracted feature point with stored feature points of application

programs; determining whether the selected version of the application program is already

installed; and installing the selected version of the application program upon determining

that the version of the application program is not installed and executing the application

program already installed upon determining that the selected version is installed." – it's

not clear to the Examiner if the first 'an application program' and the second 'an

application program' are the same application program? If not, what does each of the

following references (claims 1, 2, 3, and 8) of 'the application program' and 'application programs' is/are based on?

10.   Claims 2-3 and 8, which depend from claim 1, do not fix the problem for claim 1, therefore they are also rejected under 35 U.S.C. § 112 (2) rejection.

11.   Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, for indefinite antecedent basis for this limitation in the claim. Claim 4 recites "A method of activating an application program, comprising: extracting at least one of a plurality of feature points in at least two data files after having analyzed the data files, the feature points being contents within the data files and set by an application program used to create the data files; selecting a version of the application program useable to access a data file is based on a comparison of at least one of the feature points with stored feature points of application programs; displaying simultaneously the readable data file and the application program of a version decided thereby; and activating the displayed application program in relation to any one of the   analyzed data files and executing an application program already installed upon determining that the selected version is installed." – it's not clear to the Examiner if the first 'an application program', the second 'an application program', and the third 'an application program' are the same, if not, what does each of the following references (claims 4, 5, 6, and 7) of 'the application program' and 'application programs' is/are based on?

12.   Claims 5-7, which depend from claim 4, do not fix the problem for claim 4, therefore they are also rejected under 35 U.S.C. § 112 (2) rejection.

13.   Claim 9 is rejected under 35 U.S.C. 112, second paragraph, for indefinite antecedent basis for this limitation in the claim. Claim 9 recites "A computer-readable medium on which an application program is recorded, the application program when executed by the computer, causes the computer to execute the functions comprising: extracting at least one of a plurality of feature points in at least two data files after having analyzed the data files, the feature points being contents within the data files and set by

an application program, used to create the data files; selecting a version of the application program which useable to access a data file based on a comparison of at least one of the feature points with stored feature points of application programs; displaying simultaneously the readable data file and the application program of a version decided thereby; and activating the displayed application program in relation to any one of the analyzed data files and executing an application program already installed upon determining that the selected version is installed." – it's not clear to the Examiner if the first 'an application program', the second 'an application program', and the third 'an application program' are the same, if not, what does each of the following references of 'the application program' and 'application programs' is/are based on?

14.   Claim 10 is rejected under 35 U.S.C. 112, second paragraph, for indefinite antecedent basis for this limitation in the claim. Claim 10 recites "An apparatus for executing an application program, comprising: an extracting unit extracting at least one of a plurality of feature points in at lest two data files after having analyzed the data files, the feature points being contents within the data files and set by an application program used to create the data files; a selecting unit selecting a version of an application program useable to access the data files based on a comparison of at least one of the feature points with stored feature points of application programs; a displaying unit simultaneously displaying the readable data file and the application program of a version decided thereby; and an activating unit activating the displayed application program in relation to any one of the analyzed data files and executing an application program already installed upon determining that the selected version is installed." – it's not clear to the Examiner if the first 'an application program', the second 'an application program', the third 'an application program', and the fourth 'an application program" are the same, if not, what does each of the following references of 'the application program' and 'application programs' is/are based on?

15.   Claim 11 is rejected under 35 U.S.C. 112, second paragraph, for indefinite antecedent basis for this limitation in the claim. Claim 11 recites "An apparatus for installing an application program, comprising: an extracting unit extracting at least one of a plurality of feature points in a data file after having analyzed the data file, the feature point being a content within the data file and set by an application program used to create the data file; a selecting unit selecting a version of the application program useable to access the analyzed data file based on a comparison of an extracted feature point with stored feature points of application programs; a judging unit judging whether the application program of a decided version is already installed; and an installation unit installing the application program of the version when the decided version of the application program is not installed, where the application program already installed is executed upon determining that the selected version is installed.." – it's not clear to the Examiner if the first 'an application program', and the second 'an application program' are the same, if not, what does each of the following references of 'the application program' and 'application programs' is/are based on?

16.   Claim 12 is rejected under 35 U.S.C. 112, second paragraph, for indefinite antecedent basis for this limitation in the claim. Claim 12 recites "A storage medium storing an application program, which when executed by a computer, sequentially executing: extracting at least one of a plurality of feature points in a data file after having analyzed the data file, the feature point being a content within the data file and set by an application program used to create the data file; selecting a version of the application program useable to access the analyzed data file based on a comparison of an extracted feature point with stored feature points of application programs; judging whether the application program of a decided version is already installed; and installing the application program of the version when the decided version of the application program is not installed, where the application program already installed is executed upon determining that the selected version is installed." – it's not clear to the Examiner if the

first 'an application program', and the second 'an application program' are the same, if not, what does each of the following references of 'the application program' and 'application programs' is/are based on?

17.   Claim 13 is rejected under 35 U.S.C. 112, second paragraph, for indefinite antecedent basis for this limitation in the claim. Claim 13 recites "A method of automatically installing an application program, comprising: analyzing content within a data file to determine a format thereof and determining a version of an application program used to create the data file based on a comparison of the content of the data file set by said application program with stored contents of data files of application programs; and automatically installing the version of the application program or a similar version of another application program able to read the data file upon determining that an application program useable to access the data file is not installed and executing an application program already installed upon determining that said application program useable to access the data file is installed." – it's not clear to the Examiner if all the 'an application program' and 'another application program' are the same, if not, what does each of the following references of 'the application program' and 'application programs' is/are based on?

18.   Claim 14 is rejected under 35 U.S.C. 112, second paragraph, claim 14 recites the limitation "based on comparison of the document file with stored document files of application programs"; there is insufficient antecedent basis for this limitation in the claim, it should be "based on comparison of the document file with stored document files of the application programs"; or "based on comparison of the document file with stored document files of said application programs".

19.   Claim 15 is rejected under 35 U.S.C. 112, second paragraph, for indefinite antecedent basis for this limitation in the claim. Claim 15 recites "A method for installing an application program, comprising: storing feature points that are components of application programs in association with corresponding application programs;

determining whether a feature point corresponding to <u>an application program</u> is indicated

in a data file by determining whether one or more of the stored feature points corresponds

to the feature point indicated; and installing <u>an application program</u> having the feature

point indicated upon determining <u>the application program</u> is not installed and activating

<u>the application program</u> with the feature point indicated upon determining <u>the application

program</u> is installed." – it's not clear to the Examiner if the first '<u>an application program</u>',

the second '<u>an application program</u>', and the third '<u>an application program</u>' are the same,

if not, what does each of the following references of '<u>the application program</u>' and

'<u>application programs</u>' is/are based on?

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21.   Claims 4-7, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,199,204 by Donohue, as applied to claims above, in view of U.S.

Patent No. 6,434,744 by Chamberlain et al. (herein after Chamberlain).

CLAIMS	Donohue / Chamberlain
1. An installation method of an application program comprising: (a) extracting a feature point in a data file after having analyzed the data file based on a stored feature point, the feature point being a content within the data file and ~~indicative of a format~~ set by an application program used to create the data file;	Donohue teaches a method for automatically installing computer programs. For item a, in Donohue's invention column 8, line 32-35, "Assuming that software vendors provide via their Web sites a list 60 of available product updates referenced by **product identifier** and **release number** 110 (or some other consistent naming convention is used)"; the 'extracting' is done in Donohue, see column 4, lines 14-21, "compares the available relevant updates

with **update criteria held on the local computer system** (these update criteria are predefined for the current system or system user), and then automatically downloads and applies software updates which satisfy the predefined criteria." – the predefined criteria needs to be extracted in order to be compared; the 'feature point' can also be used as an indicative of an installation data, see example in Donohue's disclosure, column 10, lines 16-20, "the software product to be updated may be a word processor application program. If the word processor as sold missed certain fonts or did not include a thesaurus, patches may subsequently be made available for adding these features. The updater component has the capability to add these to the word processor, subject to the update criteria". Donohue's a list of product identifier and release numbers are also stored in data file. Since the feature point is broad in this claim (see 112 (2) rejection above) therefore Donohue's teaching still reads on the current application. For item (b), the "release number" is the same as the "version of an application" (item (b)). On Donohue's Fig. 2, the table shows the software product identifier along with the associated version number. Therefore, once a 'feature point' is identified (extracted) the version number can be determined (claim 1 (a), (b)). Donohue column 8, line 65-67 shows "a comparison 250 between the current installed software product's identifier and release number and the listed available updates in the retrieved file 160. This comparison determines possible growth paths form the current to updated

(b) selecting a version of the application program ~~suited for~~ useable to access the data file based on <u>a comparison</u> the extracted feature point <u>with stored feature points of application programs,</u>

(c) determining whether the selected version of the application program is already installed; and

(d) installing the selected version of the application program upon determining that the version of the application program is not installed <u>and executing the application program already installed upon determining that the selected version is installed</u>.

versions... Thus, the updater component determines whether the available new versions and whether it is possible to apply patches to the current version..." The comparison is determining whether an application should be installed (claim 1 (c)). Assuming this means install the application program if it's not currently installed yet (see rejection on 112 2nd paragraph for claim 1 (d)) Donohue teaches the feature extracting and version comparison, but does not install the software unless the software meets the 'predefined update criteria'. Donohue teaches all the aspects of claim 4, but Donohue doesn't specifically allow the user to select certain application program, item (d). However Chamberlain shows the feature to allow the user to manually select an application program in an analogous art for the purpose of ensure that the application program installation is necessary and appropriate (implied from Chamberlain's column 3, lines 9-12). In Chamberlain's column 7, lines 23-25, "the installer program 201 may display a dialog box that presents the user with the option of **selecting which features of the product to install.".** Chamberlain's teaching also 'executes' the installed application program, see Chamberlain's column 12, lines 32-34, "The installer program 201 **executes each instruction contained in the modified installation file 701** in a way that properly installs the application including any changes introduced by the patch." And column 17, lines 43-44, "it is expected that the **application will be installed on client** computers 1015 for **execution on the client computers**".

It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue's updating software application disclosure with the user selection feature and execute the installed application program taught by Chamberlain for the purpose of ensure that the application program installation is necessary and appropriate (See Chamberlain's column 3, lines 9-12).

2. The installation method mentioned in claim 1, wherein:

the feature point is a reserved word of a macro instruction included in the data file, and

the version of the application program suited for the data file is decided by extracting the reserved word and determining the version of the application program enabled to read the reserved word is determined using the reserved word.

See 'Response to Arguments', 112 (2) rejection above and claim 1 rejection.

3. The installation method mentioned in claim 1, wherein:

the feature point is a syntax pattern of a macro instruction included in the data file, and

the version of the application program suited for the data file is decided by extracting the syntax pattern and determining the version of the application program enabled to read the syntax pattern is determined by comparing the syntax pattern with stored syntax patterns.

See 'Response to Arguments', 112 (2) rejection above and claim 1 rejection.

4. An A method of activation method of activating an application comprising:

(a) extracting at least one of a plurality of feature points in at least two data files after having analyzed the data files, the

In Donohue, column 7, lines 62, Each vendor is assumed here to make available via their Web Sites such a list 60 of software updates (an example of which is shown in Fig. 2). Fig. 2 shows software

feature points being contents within the data files and ~~indicative of corresponding formats~~ set by an application program used to create the data files;

(b) selecting a version of the application program ~~in which~~ useable to access a data file ~~is readable~~ based on a comparison of at least one of the feature points with stored feature points of application programs;

(c) displaying simultaneously the readable data file and the application program of a version decided thereby; and

(d) activating the displayed application program in relation to any one of the analyzed data files and executing an application program already installed upon determining that the selected version is installed.

updates list and retrieved software list; both the data file and the application program are **displayed** in web site for the user to access. Therefore it covers item (c). Donohue's list is also being stored within a data file. Donohue teaches the means of 'retrieving' (*activating*) the application program. In Donohue's claim 1, 3rd and 4th items, "means for **initiating retrieval** of software update resources which satisfy said predefined criteria; and means for applying a software update to one of the installed computer programs using the **one or more** retrieved software resources." Donohue also teaches the 'feature points being indicative of corresponding formats used to create the data files", see claim 1 (a) rejection. For item (d) see claim 1 (d) rejection.

5. The activation method mentioned in claim 4, wherein: the readable data file is displayed with a figure corresponding to the application program.

For the features of claim 4 see claim 4 rejection, for rest of claim 5 feature see Chamberlain's column 7, lines 23-25, "the installer program 201 may **display a dialog box** that presents the user with the option of **selecting which features** of the product to install." for user to select. See claim 4 rejection.

6. The activation method mentioned in claim 4, wherein: only the readable data file corresponding to a version of the application program is displayed when the application program is selected.

Same as claim 4 rejection.

7. The activation method in claim 4, wherein: the installation of a corresponding application program is executed when an application program

Same as claim 4 rejection.

corresponding to the data file does not exist.

8. The installation method mentioned in claim 3, further comprising: eliminating an existing file if insufficient space exist when the application program is executed.	See 112 (2nd) rejection above. It's well-known for the people in the art that when installing new file into a computer, if insufficient space occurred, the computer will put out a warning for the user, the user will have to eliminate existing file in order to restore more space in the computer.
9. A computer-readable medium on which an application program is recorded, the application program when executed by the computer, causes the computer to execute the functions comprising: (a) extracting at least one of a plurality of feature points in at least two data files after having analyzed the data files, the feature points being ~~indicative of corresponding formats~~ set by an application program used to create the data files;	In Donohue's claim 1, "A computer program product, comprising computer program code recorded on a computer readable **recording medium**, ..." Here Donohue teaches us a record medium for a software update system. For claim 9 (a) see the rejection of claim 4 (a).
(b) selecting a version of the application program ~~which can read the readable~~ useable to access a data file based on a comparison of at least one of the feature points with stored feature points of application programs;	See the rejection of claim 4 (b).
(c) displaying simultaneously the readable data file and the application program of a version decided thereby; and	See the rejection of claim 4 (c).
(d) activating the displayed application program in relation to any one of the analyzed data files and executing an application program already installed upon determining that the selected version is installed.	See the rejection of claim 4 (d).
10. An apparatus for executing an	See the rejection of claim 4 (a).

application program, comprising:

(a) an extracting unit extracting at least one of a plurality of feature points of at least two data files after having analyzed the data files, the feature points being ~~indicative of corresponding formats~~ set by an application program used to create the data files;

(b) a selecting unit selecting a version of ~~the~~ an application program ~~which can read the readable~~ useable to access the data ~~file~~ files based on a comparison of at least one of the feature points with stored feature points of application programs;

See the rejection of claim 4 (b).

(c) a displaying unit simultaneously displaying the readable data file and the application program of a version decided thereby; and

See the rejection of claim 4 (c).

(d) an activating unit activating the displayed application program in relation to any one of the analyzed data files and executing an application program already installed upon determining that the selected version is installed.

See the rejection of claim 4 (d).

11. An apparatus for installing an application program, comprising:

(a) an extracting unit extracting at least one of a plurality of feature points in a data file after having analyzed the data file; the feature point being ~~indicative of a format~~ set by an application program used to created the data file;

(b) a selecting unit selecting a version of the application program ~~suited for~~ useable to access the analyzed data file based on a comparison of an extracted feature point with stored feature points of application programs;

(c) a judging unit judging whether the application program of a decided version

See claim 1 rejection.

is already installed; and

(d) an installation unit installing the application program of the version when the decided version of the application program is not installed, <u>where the application program already installed is executed upon determining that the selected version is installed</u>.

12. A storage medium storing an application program, which when executed by a computer, sequentially executing:

(a) extracting at least one of a plurality of feature points of a data file after having analyzed the data file, the feature point being ~~indicative of a format~~ <u>set by an application program</u> used to create the data file;

(b) selecting a version of the application program ~~suited for~~ <u>useable to access</u> the analyzed data file based on <u>a comparison of</u> an extracted feature point <u>with stored feature points of application programs</u>;

(c) judging whether the application program of a decided version is already installed; and

(d) installing the application program of the version when the decided version of the application program is not installed, <u>where the application program already installed is executed upon determining that the selected version is installed</u>.

The program is executing the updates has to be stored somewhere in the system in order to be executed. For item (a), see the rejection of claim 1 (a).

See the rejection of claim 1(b).

See the rejection of claim 1 (c).

See the rejection of claim 1(d).

13. A method of automatically installing an application program, comprising:

(a) analyzing a data file to determine a format thereof and determining a version of an application program used to create the data file based on <u>a comparison of</u> the content of the data file <u>set by said</u>

For item (a) see claim 1 rejection, for item (b), see 112(1) rejection above.

application program with stored contents
of data files of application program; and
   (b) automatically installing the version of
the application program or a similar
version of another application program
able to read the data file upon determining
that a suitable an application program to
read usable to access the data file is not
installed and executing an application
program already installed upon
determining that said application program
useable to access the data file is installed.

14. A method of installing application programs, comprising: determining a version of a first application program used to create a document file a user is requesting to access from a content within the document file that is set by said first application program, said determining being based on comparison of the document file with stored document files of application programs; and installing the version of the first application program or a second application program similar to the first application program and able to read the document file in accordance with said determining of the version of the first application program from the content within the document file and executing the first application program or the second application program upon determining installation thereof.	Same as claim 1 rejection.

15 (New) A method for installing an application program, comprising:
 	
   storing feature points that are components of application programs in association with corresponding application programs;
 	
   determining whether a feature point
	Same as claim 1 rejection.

corresponding to an application program
is indicated in a data file by determining
whether one or more of the stored feature
points corresponds to the feature point
indicated; and

installing an application program
having the feature point indicated upon
determining the application program is not
installed and activating the application
program with the feature point indicated
upon determining the application program
is installed.

Conclusion

22.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Chamberlain et al., US Patent No. 6,735,766, discloses a method and computer-

readable medium for upgrading an application program, and making an installer

program aware that an application has been upgraded is disclosed. The method

recognizes that an upgrade to the application has been initiated. The upgrade includes

an identifier for the application to be upgraded, as well as information required for the

installer to perform the upgrade. The installer program accesses the upgrade

information, which includes instructions necessary for installing the upgrade. The

installer program also accesses information related to the installed state of the

application and related applications. The installer program determines whether or not

the upgrade should be performed. If the upgrade should be performed, the installer

program performs the upgrade and stores the fact that the application has been upgraded.

If the application should not be upgraded, the installer program stores information

reflecting the fact that the upgrade is available but not installed.

23.   The following summarizes the status of the claims:

        35 USC § 112 (2) rejection: Claims 1-15

        35 USC § 103 rejection: Claims 1-15

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 571-272-3693. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the **TC2100 Group receptionist: 571-272-2100**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

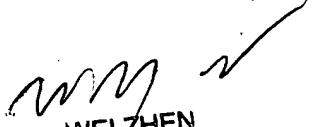<div style="text-align:right">

Chih-Ching Chow

Examiner

Art Unit 2191

December 28, 2006

</div>

CC

WEI ZHEN
SUPERVISORY PATENT EXAMINER